

## REMARKS

Claims 1 through 5 and 7 through 10 remain in the patent application. Claims 6 and 11 have been cancelled. Claim 1 is in independent form.

Claim 1 has been rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent 4,763,936, issued to Rogakos ("the '936 reference"). Applicant respectfully traverses this rejection.

The '936 reference discloses a power operated door latch 10. The power operated door latch 10 selectively engages a striker 12 to close a door with respect to the motor vehicle. The power operated door latch 10 includes an output gear 52, a sector gear 34, a ratchet 62, and a pawl or detent lever 76. In addition, a circuit includes a first switch 138 and a second switch 140 for driving a motor 28 depending on the position of the output gear 52 and the ratchet 62, respectively. The switches 138, 140 are in continuous contact with a printed circuit board 136 and continuously provide connections for the control circuit as each of the respective host elements move the switches 138, 140.

Claim 1, as amended to clarify the invention, claims a power door latch assembly 22 for engaging a striker 106 to selectively open and close a door of a motor vehicle. The power door latch assembly includes a pawl 52 that engages at least on detent surface 126 of a ratchet 50 to selectively resist rotation of the ratchet 50 toward the open position. The power door latch assembly 22 includes a rotary actuator 54 that rotates the ratchet 50 toward the closed position and for disengaging the pawl 52 from the detent surface. A driver actuator 96 includes a prime mover 98 and the output member 104 for selectively transferring torque between the prime mover, or motor, 98 and the rotary actuator 54, which is a sector gear. A drive controller 108 controls the operation of the drive actuator 96. The drive controller 108 is coupled with the clutch 102 and is configured for disengaging the motor 98 from the rotary actuator 54 when the ratchet 50 is disposed in one of the closed or open positions. The power door latch assembly 22 also includes the rotary actuator 54 having a cinching arm 72 to engage the ratchet 50 upon

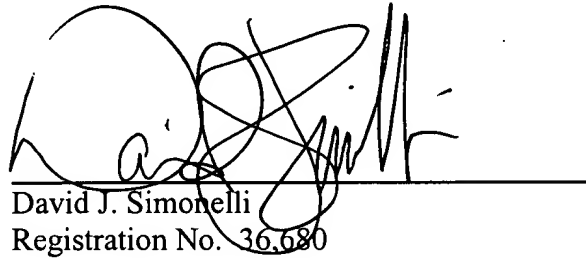
rotation of the rotary actuator 54 in a first sense to rotate the ratchet 50 toward the closed position. The rotary actuator 54 also includes a relating arm 70 that engages the pawl 52 upon rotation of the rotary actuator 54 in a second sense opposite the first sense to disengage the pawl 52 from the detent surface 126. The power door latch assembly 22 also includes a release lever 62 including an arm 112 that extends out from the release lever 62 pivotally secured to the pawl 52 such that the release lever 62 rotates when the pawl 52 rotates. A second switch 78 starts the operation of the prime mover 98 by having the arm 112 engage the second switch 78 only when the pawl abuts against the ratchet 50 and is not contacting the rotary actuator 54. The power door latch assembly 22 also includes a first switch 76 for selectively operating the clutch 102 when the ratchet 50 is disposed in the closed position. The first switch 76 stops the primary mover 98 only when the second switch 76 is closed.

While the '936 reference discloses a power latch assembly having first and second switches that control the operation of the motor 28, the switches 138, 140 require continuous contact in the circuit to have the circuit operate properly. The printed circuit board 136 upon which the switches 138, 140 operate is complex in design and costly to manufacture. In addition, tolerances require continuous contact of those switches 138, 140 with the printed circuit board 136 renders the power latch of the '936 reference subject to malfunctions due to the hostile environment of the power latch, given the jarring effect of the closing door and the fact that the door is on a motor vehicle.

In contradistinction, claim 1, as amended to clarify the invention, clearly claims a first switch that operates only when the pawl 62 engages the ratchet 50 and not the sector gear 54. The second switch 78 activates the motor 98 when in the closed position which occurs by a positive contact from the arm 112 of the release lever 62. In addition, claim 1 distinctly claims the first switch 76 that selectively operates the clutch 102 when the ratchet 50 is in the closed position to stop the motor 98 only when the second switch is closed. Therefore, it is respectfully submitted that claim 1 overcomes the rejection under 35 U.S.C. §102(b) and is in condition for allowance.

It is respectfully submitted that this patent application is in condition for allowance, which allowance is respectfully solicited. If the Examiner has any questions regarding this amendment or patent application, the Examiner is invited to contact the undersigned.

Respectfully submitted,



David J. Simonelli  
Registration No. 36,680

Clark Hill PLC  
500 Woodward Ave., Suite 3500  
Detroit, MI 48226-3435  
(313) 965-8667

Date: November 3, 2003

**Attorney Docket No. 19339/087909**